

McKool Smith

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January 29, 2015

VIA HAND DELIVERY

Honorable J. Rodney Gilstrap
United States District Judge
Sam B. Hall, Jr. Federal Building and United States Courthouse
100 East Houston Street
Marshall, Texas 75670

RE: *ContentGuard Holdings, Inc. v. Amazon.com, Inc., et al.*, No. 2:13-cv-01112
ContentGuard Holdings, Inc. v. Google, Inc., No. 2:14-cv-00061

Dear Judge Gilstrap:

In light of the Supreme Court's January 20, 2015 decision in *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, No. 13-854 (S. Ct. Jan. 20, 2015), Plaintiff ContentGuard Holdings Inc. respectfully gives notice that it intends to present live expert testimony during the upcoming claim construction hearing. The testimony, to be provided by ContentGuard's expert Michael Goodrich, Ph.D., will concern one or more the following disputed terms: (1) manner of use; (2) usage rights; (3) digital document; (4) having a grammar; and (5) distributed repository. While the testimony ContentGuard intends to proffer is already before the Court through the declarations Dr. Goodrich has submitted in support of ContentGuard's opening and reply briefs (see *Amazon* Action Dkt. Nos. 304-11, 345-01; *Google* Action Dkt. Nos. 103-11, 116-01), ContentGuard respectfully submits that Dr. Goodrich's live testimony will be helpful to the Court. Dr. Goodrich will be available for cross-examination by the Defendants.

Respectfully,



Samuel F. Baxter

Cc: COUNSEL OF RECORD (via email)

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